

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ECCLESIASTICAL DENZEL WASHINGTON,)
Register No. 990079,)
)
)
Plaintiff,)
)
)
v.) No. 08-4093-CV-C-NKL
)
)
BROWN & WILLIAMSON TOBACCO)
CORPORATION, et al.,)
)
)
Defendants.)

ORDER

On May 27, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of May 27, 2008, is adopted. [6] It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, pursuant to 28 U.S.C. § 1915(g), because plaintiff has had three or more cases or appeals dismissed as frivolous or for failure to state a claim. It is further

ORDERED that defendants' motion to dismiss is denied, without prejudice, as moot. [8]

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: June 20, 2008
Jefferson City, Missouri